

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KATALIN HORVATH,) 1:05-cv-00041-REC-TAG-HC
Petitioner,)
v.) ORDER DENYING PETITIONER'S MOTION
INS,) FOR RESPONDENT TO FILE A BRIEF
Respondent.) ADDRESSING THE REAL ID ACT OF 2005
) AS MOOT (Doc. 43)
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Petitioner, proceeding pro se, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, on January 10, 2005. (Doc. 1).

On September 13, 2005, Petitioner filed a motion (Doc. 43), requesting that Respondent file a response to the Court’s order to show cause, dated June 27, 2005 (Doc. 33), in which the Court had required Respondent to file a brief addressing the impact of the recently-enacted Real ID Act of 2005 on Petitioner’s claims. On July 12, 2005, Respondent filed a response to the order to show cause. (Doc. 36).

Subsequently, on January 11, 2006, the Court filed a Report and Recommendation recommending the petition for writ of habeas corpus be DISMISSED for failure to state a claim and as moot because Petitioner was no longer in custody of Respondent. (Doc. 67). On March 3, 2006, the District Court adopted the Report and Recommendation and entered judgment against Petitioner and in favor of Respondent. (Docs. 68 & 69).

Therefore, the Court HEREBY ORDERS that Petitioner's Motion requesting that Respondent file a brief addressing the Real ID Act of 2005 (Doc. 43), is DENIED as MOOT. IT IS SO ORDERED.

Dated: September 6, 2006
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/s/ Theresa A. Goldner
UNITED STATES MAGISTRATE JUDGE